

Docket No. 274P
S.N. 10/666,326

Listing of Claims

This listing of claims replaces all prior versions of the claims.

Claim 1 (previously presented): A fence assembly comprising:

- a first fence post extending upwardly from the ground;
- a first tubular member having a first upper end and a first lower end, the first tubular member being received over but not connected to the first fence post such that the first lower end rests upon the ground;
- a first lug laterally extending from the first tubular member;
- a second fence post extending upwardly from the ground;
- a second tubular member having a second upper end and a second lower end, the second tubular member being received over but not connected to the second fence post such that the second lower end rests upon the ground;
- a second lug laterally extending from the second tubular member;
- a brace having opposing ends;
- a first connection means for removably connecting one end of the brace to the first lug; and
- a second connection means for removably connecting the other end of the brace to the second lug such that the brace extends between the first and second lugs.

Claim 2 (canceled)

Claim 3 (previously presented): A fence assembly as recited in claim 1 further comprising: a third fence post extending upwardly from the ground; a third tubular member having a third upper end and a third lower end, the third tubular member being received over but not connected to the third fence post such that the third lower end rests upon the ground;; a fifth lug laterally extending from the first tubular member; a sixth lug laterally extending from the third tubular member; a third brace having opposing ends; a fifth connection means for removably connecting one end of the third brace to the fifth lug; a sixth connection means for

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removably connecting the other end of the third brace to the sixth lug; a seventh lug laterally extending from the first tubular member; an eighth lug laterally extending from the third tubular member; a fourth brace having opposing ends; a seventh connection means for removably connecting one end of the fourth brace to the seventh lug; and an eighth connection means for removably connecting the other end of the fourth brace to the eighth lug; wherein the fifth lug is more closely adjacent to the first upper end than the first lower end, the seventh lug is more closely adjacent to the first lower end than the first upper end, and the sixth and eighth lugs are adjacent to a line defined by the first and third lower ends.

Claim 4 (original): A fence assembly as recited in claim 3 wherein the first tubular member has a longitudinal axis, and wherein the first and third lugs comprise a first pair of lugs and the fifth and seventh lugs comprise a second pair of lugs, and further wherein each of one pair of lugs is integrally connected to the first tubular member and each of the other pair of lugs is rotatably connected to the first tubular member so as to be rotatable about but not movable along the longitudinal axis when not connected to their corresponding braces.

Claim 5 (original): A fence assembly as recited in claim 3 wherein each lug has at least one aperture therethrough and each brace has a longitudinal axis, and wherein each connection means for removably connecting an end of a brace to a lug comprises: a connector having an apertured first end portion with at least one aperture adapted for alignment with said at least one aperture of a corresponding lug, the connector also having an opposing, elongated second end portion adapted for longitudinally adjustable connection to the end of a corresponding brace; and at least one fastener having a shaft for being received through aligned apertures of the corresponding lug and the first end portion to thereby provide a pivotal and removable connection of the first end portion to the corresponding lug.

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Claim 6 (previously presented): A fence assembly as recited in claim 5 wherein the second end portion of each connector is threadedly receivable by the end of a corresponding brace.

Claim 7 (original): A fence assembly as recited in claim 6 wherein second end portions as connected to opposing ends of each brace are oppositely threaded.

Claim 8 (previously presented): A fence assembly as recited in claim 3 further comprising: a ninth lug laterally extending from the first tubular member more closely adjacent to the first upper end than the first lower end; a tenth lug laterally extending from the first tubular member more closely adjacent to the first lower end than the first upper end; a gate having a gate upper end and a gate lower end, and also having a first gate bracket more closely adjacent to the gate upper end than the gate lower end and a second gate bracket more closely adjacent to the gate lower end than the gate upper end; a first hinge bracket for being fixedly but removably connected to the ninth lug and a second hinge bracket for being fixedly but removably connected to the tenth lug, the first hinge bracket being adapted for pivotal connection to the first gate bracket and the second hinge bracket being adapted for pivotal connection to the second gate bracket.

Claim 9 (original): A fence assembly as recited in claim 3 wherein each fence post is a T-post.

Claim 10 (original): A fence assembly as recited in claim 3 wherein the second and third tubular members are shorter in length than the first tubular member.

Claim 11 (original): A fence assembly as recited in claim 3 wherein the upper and lower ends of each tubular member are open.

Claim 12 (canceled)

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Claim 13 (canceled)

claim 14 (canceled)

Claim 15 (previously presented): A combination as recited in claim 18 wherein the first bearing means comprises a first ring integrally connected to the tubular member and a third sleeve integrally connected to the tubular member and having the third lugs integrally connected thereto and laterally extending therefrom so that the third lugs are integrally connected to and laterally extend from the tubular member by means of the third sleeve, the first sleeve being closely received between the first ring and third sleeve, and wherein the second bearing means comprises a second ring integrally connected to the tubular member and a fourth sleeve integrally connected to the tubular member and having the fourth lugs integrally connected thereto and laterally extending therefrom so that the fourth lugs are integrally connected to and laterally extend from the tubular member by means of the fourth sleeve, the second sleeve being closely received between the second ring and fourth sleeve.

Claim 16 (previously presented): A fence assembly as recited in claim 1 wherein the brace has a longitudinal axis extending between the opposing ends.

Claim 17 (currently amended): A fence assembly comprising:

- a first fence post extending upwardly from the ground;
- a first tubular member having a first upper end and a first lower end, the first tubular member being received over but not connected to the first fence post such that the first lower end rests upon the ground;
- a first lug laterally extending from the first tubular member;
- a second fence post extending upwardly from the ground;
- a second tubular member having a second upper end and a second lower end, the second tubular member being received over but not connected to the second fence post such that the second lower end rests upon the ground;

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a second lug laterally extending from the second tubular member;
a first brace having opposing ends;
a first connection means for removably connecting one end of the first brace to the first lug; and
a second connection means for removably connecting the other end of the first brace to the second lug;
a third lug laterally extending from the first tubular member;
a fourth lug laterally extending from the second tubular member;
a second brace having opposing ends;
a third connection means for removably connecting one end of the second brace to the third lug; and
a fourth connection means for removably connecting the other end of the second brace to the fourth lug;

wherein the first lug is more closely adjacent to the first upper end ~~that~~ than the first lower end, the third lug is more closely adjacent to the first lower end ~~that~~ than the first upper end, and the second and fourth lugs are adjacent to a line defined by the first and second lower ends.

Claim 18 (previously presented): A combination comprising:

a tubular member having a longitudinal axis and opposing first and second ends;
a first sleeve rotatably connected to the tubular member so as to be rotatable about but not movable along the longitudinal axis, the first sleeve being more closely adjacent to the first end than the second end;
a first bearing means integrally connected to the tubular member for allowing rotation of the first sleeve about but not movement along the longitudinal axis;
a pair of transversely opposed and apertured first lugs integrally connected to and laterally extending from the first sleeve;

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a second sleeve rotatably connected to the tubular member so as to be rotatable about but not movable along the longitudinal axis, the second sleeve being more closely adjacent to the second end than the first end;

a second bearing means integrally connected to the tubular member for allowing rotation of the second sleeve about but not movement along the longitudinal axis;

a pair of transversely opposed and apertured second lugs integrally connected to and laterally extending from the second sleeve;

a pair of transversely opposed and apertured third lugs integrally connected to and laterally extending from the tubular member adjacent to the first sleeve and associated first lugs, the third lugs as adjacent to the first lugs being longitudinally offset therefrom and also more closely adjacent to the first end than the second end; and

a pair of transversely opposed and apertured fourth lugs integrally connected to and laterally extending from the tubular member adjacent to the second sleeve and associated second lugs, the fourth lugs as adjacent to the second lugs being longitudinally offset therefrom and also more closely adjacent to the second end than the first end.